IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K.HEMA

THURSDAY, THE 25TH JANUARY 2007 / 5TH MAGHA 1928

Crl.Rev.Pet.No. 394 of 2007()

CRA.669/2004 of ADDL.SESSIONS COURT (ADHOC), KOTTAYAM
CC.431/2003 of JUDL. MAGISTRATE OF FIRST CLASS-II(MOBILE), KOTTAYAM

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REVN. PETITIONER:

ANOOP KUMAR SEBASTIAN, S/O.BABY SEBASTIAN,
KOTTAKKAPRAMBIL HOUSE, ANGADI, CHANGANASSERY.

BY ADV. SRI.C.S.MANU
SRI.ANOOP JOSEPH

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAULAM.

2. REJI MICHALE, S/O.K.M.MICHALE,
RESIDING AT KOTTACKAL HOUSE, CHANGANASSERY.

R1 BY PUBLIC PROSECUTOR SRI.C.M.KAMMAPPU
R2 BY ADV.SRI.ANOOP JOSEPH.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 25.1.2007, THE COURT ON 25/01/2007 PASSED THE FOLLOWING:

K. HEMA, J.

Crl.R.P. No.394 of 2007

Dated this 25th day of January, 2007.

O R D E R

Revision Petitioner is the accused in C.C.No.431 of 2003 on the file of the Judicial First Class Magistrate's Court No.II (Mobile), Kottayam. Second respondent is the complainant therein. Revision petitioner was convicted and sentenced by the Magistrate's Court to undergo simple imprisonment for six months under Section 138 of the Negotiable Instruments Act and also directed to pay compensation of Rs.80,000/- to the complainant in default of payment to undergo simple imprisonment for three months under section 357(3) of the Code of Criminal Procedure. In appeal filed by him, the conviction and sentence were confirmed by the Additional Sessions Court. This revision arises from the said conviction and sentence.

2. At the time of hearing, both sides submitted that a petition as Crl.M.Appl.No.1181 of 2007 is filed for compounding the offence. It is also submitted by both sides that the matter is settled out of court amicably between the parties and the amount is also paid by the petitioner to the satisfaction of the second respondent. On hearing both sides and on going through the averments in the petition, I am satisfied that this is a fit case to grant permission to compound the offence.

In the result, Revision Petitioner is acquitted of offence under section 138 of the Negotiable Instruments Act, as offence is compounded. He is set at liberty forthwith. The Registry shall issue direction to the Superintendent of Sub Jail, Kottayam to release the petitioner forthwith.

Crl. M.Appl.No.1181 of 2007 and Revision Petition are allowed.

vgs. **K. HEMA, JUDGE.**